

NOV 09 2005

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PATENT, TRADEMARK, COPYRIGHT  
 AND UNFAIR COMPETITION LAW  
 AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968  
 TRUMAN A. HERRON 1935-1976  
 EDWARD B. EVANS 1936-1971

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November 9, 2005

## FACSIMILE COVER SHEET

To: Examiner James A. Thompson  
 Art Unit 2624  
 Mail Stop AMENDMENT  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22213-1450

Fax: 571-273-8300

Enclosures:  
 Fax Cover Sheet containing Certificate of  
 Facsimile Transmission (1 page)  
 Transmittal containing Certificate of Facsimile  
 Transmission (1 page)  
 Response to Notice of Non-Compliant  
 Amendment (1 page)  
 Copy of Notice of Non-Compliant Amendment  
 mailed 10/31/2005 (2 pages)  
 Revised Listing of Claims for Amendment and  
 Response Filed 10/17/2005 (11 pages)

From: Douglas A. Scholer  
 Reg. No. 52,197  
 Re: U.S. Patent Application  
 Serial No. 09/939,932  
 Filed: August 27, 2001  
 Applicant: Gary Russell  
 Art Unit: 2624  
 Confirmation No.: 4043  
 Our Ref: PHOT/02

Pages: 16 (including cover sheet)

MESSAGE/COMMENTS  
OFFICIAL

## CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this correspondence and the enclosures noted herein (16 total pages, including cover sheet)  
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 AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 at 571-273-8300 on  
November 9, 2005.

*Judith L. Volk*

Judith L. Volk

*November 9, 2005*

Date

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Confirmation No. 4043**CERTIFICATE OF FACSIMILE TRANSMISSION**

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Judith L. Volk November 9, 2005  
Judith L. Volk Date

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Gary Russell

Art Unit: 2624

Serial No.: 09/939,932

Examiner: James A. Thompson

Filed: August 27, 2001

Atty. Docket No.: PHOT/02

For: System for Halftone Screen Production

**TRANSMITTAL**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We are transmitting herewith the attached:

Fax Cover Sheet containing Certificate of Facsimile Transmission (1 page)  
Transmittal containing Certificate of Facsimile Transmission (1 page)  
Response to Notice of Non-Compliant Amendment (1 page)  
Copy of Notice of Non-Compliant Amendment mailed 10/31/2005 (2 pages)  
Revised Listing of Claims for Amendment and Response Filed 10/17/2005 (11 pages)

Please charge any additional fees or credit overpayment to Deposit Account No. 23-3000.

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By:   
Douglas A. Scholer  
Reg. No. 52,187



## UNITED STATES PATENT AND TRADEMARK OFFICE

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 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/939,932	08/27/2001	Gary Russell	PHOT/02	4043
26875	7590	10/31/2005	EXAMINER	
WOOD, HERRON & EVANS, LLP			THOMPSON, JAMES A	
2700 CAREW TOWER			ART UNIT	PAPER NUMBER
441 VINE STREET				
CINCINNATI, OH 45202			2624	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

RECEIVED  
 NOV -2 AM 11:20  
 2005  
 WOOD, HERRON & EVANS

<b>Notice of Non-Compliant Amendment (37 CFR 1.121)</b>	Application No.	Applicant(s)	
	09/939,932		
	Examiner J. Thompson	Art Unit 2624	

— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

The amendment document filed on 17 October 2005 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121. In order for the amendment document to be compliant, correction of the following item(s) is required.

**THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:**

- 1. Amendments to the specification:
  - A. Amended paragraph(s) do not include markings.
  - B. New paragraph(s) should not be underlined.
  - C. Other \_\_\_\_\_
- 2. Abstract:
  - A. Not presented on a separate sheet. 37 CFR 1.72.
  - B. Other \_\_\_\_\_
- 3. Amendments to the drawings:
  - A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
  - B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
  - C. Other \_\_\_\_\_
- 4. Amendments to the claims:
  - A. A complete listing of all of the claims is not present.
  - B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
  - C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
  - D. The claims of this amendment paper have not been presented in ascending numerical order.
  - E. Other: Claims 9, 59 and 72 have incorrect Status Identifiers.

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognote/officeflyer.pdf>.

**TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:**

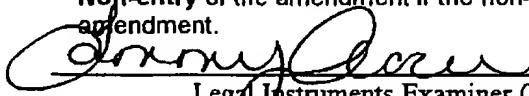
1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the entire **corrected amendment** must be resubmitted within the time period set forth in the final Office action.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action.

**Extensions of time** are available under 37 CFR 1.136(a) **only** if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

**Failure to timely respond** to this notice will result in:

**Abandonment** of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

**Non-entry** of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.



Legal Instruments Examiner (LIE)

571-272-7017

Telephone No.

Part of Paper No.